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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,580	12/08/2008	Nidham Ben Rached	NRT.0227US	8878
21906	7590	10/25/2011		
TROP, PRUNER & HU, P.C. 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER BIBBEE, CHAYCE R	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 10/25/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/583,580

**Applicant(s)**

BEN RACHED ET AL.

**Examiner**

CHAYCE BIBBEE

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 17-34 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 17-34 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-501) Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 17-34 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 17-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pihl et al (pub # 20030040323) in view of Dooley et al (pub # 20020168989).

Consider claims 17, 23, 29, and 32. Pihl et al teaches A method of determining a position of a mobile terminal, **(See at least the abstract)**. comprising:

*As to while a first base station that communicates wirelessly according to a first protocol has a connection over a wireless link with the mobile terminal, the first base station sending a location request to the mobile terminal, wherein the location request corresponds to a request made by a remote client and the location request specifies that the position of the mobile terminal is to be based on measurements made with respect to information from a second base station that communicates wirelessly according to a second protocol different from the first protocol.* Pihl teaches in at least the abstract as well as paragraphs [0038]-[0040] an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations. Pihl et al does not specifically disclose *a first base station that communicates wirelessly according to a first protocol and a second base station that communicates wirelessly according to a second protocol different from the first protocol.* However in the same field of endeavor Dooley et al in at least the abstract as well as paragraphs [0009], [0017], and [0027] does disclose a method and process of locating a multimode wireless terminal where the wireless terminal is adapted to take position measurements on a first network (GSM) and then take measurements on a second network (UMTS) and then the measurements are combined and the position of the terminal is determined. Therefore it would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the multimode mobile terminal of Dooley with the system and method of Pihl et al so as a complete location service can be offered (Dooley et al paragraph [0009]).

Pihl et al in view of Dooley et al further teaches the first base station receiving from the mobile terminal the measurements made with respect to the information from the second base station; **(See at least paragraph [0038] of Pihl et al)** and

Pihl et al in view of Dooley et al further teaches the first base station performing an action to cause processing of the received measurements to determine the position of the mobile terminal. **(See at least paragraph [0038] of Pihl et al)**

Consider claims 18, 24, 30, and 33. Pihl et al in view of Dooley et al teaches all of the recited limitations of claims 17, 23, 29, and 32. Pihl further teaches performing the action comprises sending the received measurements to a position finding entity for processing the received measurements. **(See at least paragraph [0038] where Pihl discloses the measurements used for location calculation).**

Consider claims 19 and 26. Pihl et al in view of Dooley et al teaches all of the recited limitations of claims 17 and 23 Pihl further teaches wherein the position finding entity is a first position finding entity associated with the first base station, the method further comprising:

the first position finding entity sending the received measurements to a second position finding entity for processing of the received measurements at the second position finding entity to determine the position of the mobile terminal, wherein the second position finding entity is associated with the second base station; **(See at least the abstract, paragraphs [0038]-[0040] where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations). and**

the first position finding entity receiving location information relating to the determined position of the mobile terminal from the second position finding entity. **(See at least the abstract, paragraphs [0038]-[0040]).**

Consider claims 20 and 27. Pihl et al in view of Dooley et al teaches all of the recited limitations of claims 17 and 23 Pihl further teaches

the first base station receiving from the mobile terminal further measurements made with respect to information from the first base station and at least another base station that communicates wirelessly according to the first protocol; **(See at least the abstract, paragraphs [0038]-[0040] where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by**

**the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations).**

the first position finding entity processing the further measurements to determine further location information relating to the position of the mobile terminal; **(See at least the abstract, paragraphs [0038]-[0040]).** and

the first position finding entity combining the further location information with the location information received from the second position finding entity to derive the position of the mobile terminal. **(See at least the abstract, paragraphs [0038]-[0040]).**

Consider claims 21 and 28. Pihl et al in view of Dooley et al all of the recited limitations of claims 17 and 23 Pihl further teaches wherein the position finding entity is associated with the first base station, the method further comprising:

the first base station receiving from the mobile terminal further measurements based on information from the first base station and at least another base station that communicates wirelessly according to the first protocol; **(See at least the abstract, paragraphs [0038]-[0040] where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations).** and

the first base station sending the further measurements to the position finding entity to cause the position finding entity to combine the further measurements with the measurements made with respect to the information from the second base station, to determine the position of the mobile terminal. **(See at least the abstract, paragraphs [0038]-[0040] where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations).**

Consider claim 22. Pihl et al in view of Dooley et al all of the recited limitations of claim 17. Pihl further teaches wherein the first and second protocols are different generation wireless communication protocols. **(See at least paragraph [0040]).**

Consider claim 25. Pihl et al in view of Dooley et al all of the recited limitations of claim 23. Pihl further teaches further comprising the position finding entity. **(See at least paragraph [0038])**

Consider claims 31 and 34. Pihl et al in view of Dooley et al all of the recited limitations of claims 29 and 32. Pihl further teaches



the mobile terminal sending further measurements, made with respect to information from the first base station and at least another base station that communicates wirelessly according to the first protocol, to the first base station to cause the further measurements to be combined with the measurements made with respect to the information from the second base station, for determining the position of the mobile terminal. **(See at least the abstract, paragraphs [0038]-[0040] where Pihl discloses an SMLC receiving a location request from an LCS client and then forwards the request to the target mobile station which then measures BCCH frequencies of the base stations identified by the SMLC, then if the measurements are not sufficient then the SMLC receives measurement info from another SLMC linked to other base stations).**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAYCE BIBBEE whose telephone number is (571)270-7222. The examiner can normally be reached on Monday-Friday 7:30 a.m.-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHAYCE BIBBEE  
Examiner  
Art Unit 2617

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617